

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Luwiza Laku Daman;)

Shullu Anguwi Gorado; and)

Asa Shani)

Case No. 11-6432M

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about August 5, 2011, in the District of Arizona, the defendants, Luwiza Laku Daman, Shullu Anguwi Gorado, and Asa Shani, violated Title 18 U.S.C. §§ 2 and 1001(a)(1), an offense described as follows:

Luwiza Laku Daman, Shullu Anguwi Gorado, and Asa Shani, in a matter within the jurisdiction of the United States Department of Homeland Security, Transportation Security Administration, an agency within the executive branch of the United States, did knowingly and willfully conceal and cover up by any trick, scheme and device a material fact, that is, that Luwiza Laku Daman was introducing into a secure area within Phoenix Sky Harbor Airport an object simulating the appearance of an explosive device, in violation of Title 18, United States Code, Sections 2 and 1001(a)(1).

I further state that I am Special Agent of the Federal Bureau of Investigation, and this criminal complaint is based on these facts: See attached statement of probable cause incorporated by reference.

AUTHORIZED BY: AUSA Joseph Koehler

☒ Continued on the attached sheet.


Complainant's signature

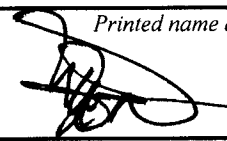
Benjamin J. Oesterle, Special Agent,
Federal Bureau of Investigation

Printed name and title

Sworn to before me and signed in my presence.

Date:

Aug. 12, 2011



Judge's signature

City and state:

Phoenix AZ

David K. Duncan, U.S. Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

Your affiant, being duly sworn, fully deposes and says:

1. I am Special Agent (SA) Benjamin J. Oesterle of the Federal Bureau of Investigation (FBI) and have been so employed for over 3 years. I am currently assigned to the Federal Bureau of Investigation (FBI) Joint Terrorism Task Force (JTTF). As part of my responsibilities on the JTTF, I am charged with investigating violations of statutes applying to Counter Terrorism and Crimes Aboard an Aircraft.

2. The information below is based on personal interviews I conducted as well as information provided to me by SA Kevin R. McBrien and Supervisory Special Agent (SSA) Mark J. Cwynar and other law enforcement officers and on official police reports that I have read.

3. On August 5, 2011, the Phoenix Division of the FBI JTTF was contacted by the Transportation Security Administration (TSA) and the Phoenix Police Department (PPD) Airport Bureau regarding a woman who was detained at the security checkpoint of terminal 3 in Phoenix Sky Harbor International Airport. They had detained a woman later identified as LUWIZA LAKU DAMAN after TSA officers x-rayed her carry-on bag and noticed it contained a rectangular box with a cellular telephone taped face down on the top of the box. DAMAN had a reservation on Delta Airlines Flight 2392, from Phoenix, Arizona, to Minneapolis, Minnesota, that was scheduled to depart Phoenix at 11:27 am.

4. After closer examination of the package it was determined that the box, which was a manufactured plastic box with the logo "Helva" on the outside contained a

tan colored soft, paste, granulated substance. A red Samsung cellular telephone had been taped to the box face down with what appeared to be light colored medical-type tape.

5. The discovery of this package caused TSA to shut down part of the security checkpoint. Several PPD officers as well as 5 bomb technicians from the PPD Bomb Squad responded, along with members of the Phoenix Fire Department hazardous materials unit.

6. As a result of this response Officer Joseph Oviatt, who is a PPD Bomb Technician, generated an official report. Officer Oviatt has over 9 years of experience as a Bomb Technician with the Phoenix Police Department and 5 years of experience as an Explosive Ordnance Disposal (EOD) team leader for the United States military.

7. Upon arriving at the security checkpoint Officer Oviatt was shown an x-ray of the package by TSA. He saw that the container contained an organic mass. The organic mass appeared in a specific color range in the x-ray image that, based on his training and experience Officer Oviatt knew to be in the same color range that explosives will have in an x-ray image. He described the package as a red cellular telephone taped to the lid of a food container with six pieces of semi-transparent tape. The cellular telephone was attached to the lid face down. He determined from a visual inspection of the package that the telephone was not wired into a triggering system. He also observed that the power was on for the telephone. Also from his training and experience, Officer Oviatt knows that cellular telephones are often used as remote triggering devices on explosives. Officer Oviatt later stated that the object was similar in appearance to an

explosive device although it lacked the wires necessary to form a complete explosive device. Officer Oviatt further stated that if the object had connecting wires it would have been taken to a location and exploded with an external explosive. According to Officer Oviatt, the device was similar enough to an actual explosive device to (1) provide information about the effectiveness of screening procedures at the security checkpoint, and (2) provide information about the response that would occur at a security checkpoint if the device were discovered.

8. LUWIZA DAMAN was detained by the Phoenix Police Department and taken away from the security checkpoint to a police station located in terminal 3. There she was interviewed with the help of a contract linguist from the Sacramento office of the FBI. At the onset of the interview DAMAN was told that she was not under arrest. DAMAN provided the following information.

9. DAMAN said that she was born in Eritrea, Africa, and lived in Ethiopia. She had been living in the United States for four months and two days in Portland, Oregon, with her son YOHANNES ASSEFA. Just prior to coming to Phoenix, Arizona, DAMAN moved to Des Moines, Iowa, with her uncle and a woman named "HANNA." She did not know the address and only knew the uncle's first name, "ALAGANGAY." At first DAMAN said that "HANNA" was her sister but later said that she was her cousin.

10. On July 29, 2011, DAMAN traveled to Phoenix to attend the wedding of "TAMURU WELDE," her nephew, who was later identified as TAMURU SELAMU. While at the wedding, DAMAN was introduced to a man by the name of "JAFFA."

DAMAN claimed she had never met "JAFFA" prior to the wedding. On the last night of her visit to Phoenix, August 4, 2011, DAMAN was staying with her sister "GRASELA." During this evening "JAFFA" came to her sister's house and gave "GRASELA" a package containing a box of candy with a cellular telephone taped to it. "GRASELA" asked DAMAN to take the package with her to Des Moines and give it to a man named "MICHEL." (ph) "MICHEL" would then come to pick up the package from her at her uncle's house.

11. DAMAN said she may have touched the package to move it but she never took it apart or taped the cellular telephone to the candy box. She never checked the phone to see if it was on or off. She stated she placed the package in her carry-on luggage. DAMAN said she had no other contact with "JAFFA." DAMAN described "JAFFA" as dark skinned, medium build, and in his 30's.

12. DAMAN was shown a copy of a flight reservation that was made for her on Expedia. On this reservation there were two telephone numbers, (XXX) XXX-6809, and (XXX) XXX-8048, and an e-mail account, sgorado@yahoo.com. The reservation was from Phoenix, Arizona, to Minneapolis, Minnesota, and then to Des Moines, Iowa. DAMAN said that the first telephone number was hers and the e-mail address was hers also. The other telephone number which was listed as an emergency contact was (XXX) XXX-8048. DAMAN said that a friend of the family had made the reservation for her and that was probably that person's telephone number.

13. DAMAN was then shown a driver's license picture of "GRASELA" and stated that was the woman she was staying with in Phoenix. During the course of the interview DAMAN said that "GRASELA" was her cousin. DAMAN did not know "GRASELA's" address but said that it was a second floor apartment in Phoenix and that they had left her apartment at approximately 9:30am (on August 8, 2011) to drive to the airport.

14. DAMAN said that she was dropped off at the airport by three people. "TAMARU WELDE", "GRASELA," and "CAROW" (phonetic). "TAMARU WELDE" drove his own car, which DAMAN could only describe as a small white car. DAMAN could not recall where "WELDE" lived.

15. DAMAN then gave written consent to search her cellular telephone. SA Scott Thorlin retrieved all of the numbers and contacts from her telephone.

16. At this point in the interview it was learned that the e-mail address (sgorado@yahoo.com) and the telephone number (XXX) XXX-8048 that appeared on the Expedia reservation actually belong to SHULLU GORADO. DAMAN was shown a driver's license photo of GORADO and said she recognized him.

17. At this point DAMAN was advised of her rights using FBI "Advice of Rights" form FD-395 and signed this form indicating her willingness to continue the interview. She was advised of her rights immediately after a decision had been made that the Phoenix Police Officer assigned to the FBI JTTF would be pursuing charges against DAMAN.

18. DAMAN was confronted with the fact that SHULLU GORADO's e-mail address and telephone number were on her flight reservation, contradicting her previous statement that the phone number and email address belonged to her, and she said that she didn't know how that happened and she was unsure who made the flight reservation (again contradicting her earlier statement that a family friend made the reservation). "JAFFA" and SHULLU GORADO are the same person. DAMAN was confronted with the fact that "JAFFA's" name and telephone number were in her phone. She said that she did not know how it got in her phone and that someone must have put it in there. DAMAN said she believes "TAMURU WELDE" and "JAFFA" both work at the Phoenix airport but did not know what they did there.

19. During the interview DAMAN's version of the events leading up to her being stopped at the airport with the suspicious package kept changing. At first she said that she had been staying with "GRASELA" at her apartment when "JAFFA" dropped off the package. Later DAMAN said that she had stayed with a woman named "CAROW" (phonetic) and "JAFFA" had dropped off the package at "GRASELA's" apartment and then the next morning "GRASELA" brought the package to DAMAN at "CAROW's" home.

20. Agents were dispatched to the apartment of "GRASELA" who was later identified as GRASELLA FAGI, (XXXX) West Osborn Road, apartment XXX, Phoenix, Arizona. There was no answer at the door of this apartment. Agents were able to locate

GRASELLA FAGI, through telephone number (XXX) XXX-0016, at (XXXX) North 12th Street, Apartment XXX, Phoenix, Arizona.

21. FAGI does not speak English so her son TAMURU SELAMU acted as an interpreter for her during the interview. FAGI stated that LUWIZA DAMAN flew to Phoenix from Iowa to attend TAMURU SELAMU'S wedding. On the evening of August 4, 2011, a male with the nickname "JAFFAR" dropped off a plastic bag at FAGI's apartment for DAMAN to take with her back to Iowa.

22. FAGI was shown a photo of the items found in the possession of DAMAN at the Phoenix Sky Harbor Airport by Task Force Officer (TFO) Jilber Altounian. FAGI stated that she never saw the contents of the grocery bag. DAMAN was dropped off at the airport in Phoenix on the morning of August 5, 2011 for her return flight to Iowa.

23. SELAMU provided "JAFFAR'S" real name as SHULLU GORADO with a phone number of (XXX) XXX-8048. SELAMU stated that SHULLU GORADO had a residence in the vicinity of 19th Avenue and Camelback in Phoenix.

24. Agents contacted SHULLU GORADO at (XXXX) North 19th Avenue, apartment XXX, Phoenix, Arizona. GORADO stated the following.

25. After being shown a photo of LUWIZA DAMAN, GORADO stated that he knew her and had met her at TAMURU'S wedding. GORADO also stated that he had purchased a plane ticket for her return trip from Phoenix to Iowa. GORADO stated that he had last seen DAMAN on the evening of August 4, 2011 at the apartment of

GRASELLA FAGI, located in the vicinity of 35th Avenue and Osborne Road. At this time, GORADO gave FAGI a plastic bag to give to DAMAN that contained items to take back to Iowa. The plastic bag contained a cellular telephone and a container with a substance called Helva. The cell phone was provided by a man named ASA SHANI and was to be delivered by DAMAN to SHANI's brother MIKELE SHANI, who also lives in Iowa. The cell phone was being sent because ASA SHANI had an extra one. GORADO was sending the Helva to friends in Iowa. GORADO gave the Helva to ASA SHANI, but SHANI was unable to locate FAGI to hand over the items. SHANI returned the Helva along with the cell phone in a plastic bag to GORADO. GORADO later gave the plastic bag to FAGI on the evening of August 4, 2011 to give to DAMAN for transportation back to Iowa.

26. GORADO provided ASA SHANI'S phone number as (XXX) XXX-9969 and MIKELE SHANI'S phone number as (XXX) XXX-7502.

27. On August 8, 2011, ASA SHANI was located at (XXXX) West Osborn Road, apartment XXX, Phoenix, Arizona, and interviewed by SA Benjamin J. Oesterle, SA Robert Tobias, and TFO Altounian. ASA SHANI provided the following information to agents from the JTTF.

28. Upon being shown a photo of DAMAN, SHANI stated that he had met DAMAN a few days prior at the wedding of one of his friends. SHANI knew DAMAN as SANA (phonetic) and that she was supposed to take a cellular telephone to his brother, MAKELE (phonetic), in Des Moines, Iowa. SHANI also recognized SHULLU

GORADO a.k.a. JAFFA (phonetic) from a photo and stated that he was at the wedding a few days prior as well and that GORADO used to be his roommate.

29. When questioned further regarding the (red) cellular telephone that was attached to the container of Helva, SHANI mentioned that he had taped the cellular telephone to the container. At this point SHANI took the interviewing agents to his car, a 2002 dark colored Hyundai Sonata, opened the trunk and pulled out the tape he used. This tape matched the appearance of the tape used on the package seized on August 05, 2011 at Phoenix Sky Harbor Airport.

30. According to SHANI, he gave this package to GORADO who was then supposed to give it to DAMAN, who would then take the cellular telephone to his brother, MAKELE (phonetic), in Iowa. SHANI stated that this cellular telephone was being sent to his brother because he did not have a "mobile" phone.

31. SHANI mentioned that he found the cellular telephone at a bus stop at 19th Avenue and McDowell Road, Phoenix, Arizona. SHANI stated he did not need another cellular telephone, so he wanted to send it to his brother. When questioned about why he taped the telephone to the container, SHANI stated that the cellular telephone was broken and he used the tape to keep the telephone together. According to agents on the scene at Phoenix Sky Harbor Airport on August 05, 2011, the cellular telephone was operational and functioned properly upon opening. Visual inspection of the phone revealed no apparent damage, and no tape being used to secure parts of the phone to the phone itself. When asked why he was sending a broken telephone to his brother in Iowa,

SHANI began to indicate that he did not understand the questions being asked by the interviewing agents due to a language barrier, even though previously in the conversation SHANI did not appear to have significant difficulty in understanding the agents. SHANI provided a partial address for his brother of 47th Street in Des Moines, Iowa. SHANI was unable to recall his brother's date of birth.

32. MIKELE DALAY SHANI was interviewed on August 9, 2011, in Des Moines, Iowa. SHANI has lived in Des Moines, Iowa, for approximately one year with his wife and three young children. SHANI mentioned he has a cousin, ASA SHANI, who lives in Phoenix. ASA and SHANI immigrated to the U.S. at the same time (August 1, 2007). They call each other "brothers" because SHANI's father passed away when SHANI was very young, and ASA's father (SHANI's uncle) took care of him. SHANI last spoke to ASA about one week ago. SHANI attempted to call ASA on August 8, 2011, but ASA did not answer.

33. SHANI has had his T-Mobile cellular phone, (XXX) XXX-7502, for about five or six months. SHANI also has a home telephone number, (XXX) XXX-6243, and an email address. SHANI stated that he was not expecting anything from ASA (i.e. mail or a package). SHANI said that he has not received anything from ASA in the past. ASA last visited SHANI in May or June 2011 for three or four days.

34. SHANI did not recognize the name "LUWIZA LAKU," but did recognize the photo of LUWIZA LAKU DAMAN. SHANI indicated that he had seen DAMAN once before, about a month prior to the interview date, at the home of

DAMAN's relative. The relative, FNU ALANGAE or ALAGAY (phonetic), lives in an apartment complex near the intersection of East 14th and McKinley in Des Moines.

SHANI has known ALANGAE for a long time, but does not know his phone number.

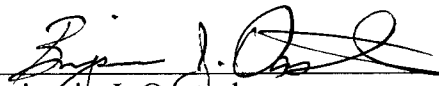
ALANGAE is described as an older male who is also from Karkasha, Eritrea.

35. SHANI stated that he has never received anything from DAMAN nor was he expecting anything from her. SHANI indicated that it was unknown to him if ASA is acquainted with, or knows DAMAN.


36. I know from TSA reports that a similar incident involving an object consisting of an electronic device taped to plastic containers filled with an organic substance and placed in checked baggage occurred at the airport in Memphis, Tennessee, on July 29, 2011, the same day DAMAN arrived in Phoenix.

37. Based on the above facts your affiant believes there is probable cause to believe that LUWIZA DAMAN, SHULLU GORADO, and ASA SHANI are in violation of Title 18, U.S.C. Sections 2 and 1001(a)(1), in that, in concert, they caused the above-described package, which simulated the appearance of an explosive device to be taken to a security checkpoint operated by the U.S. Department of Homeland Security, Transportation Security Administration (TSA) at Phoenix Sky Harbor Airport without disclosing the presence of the package. The presence of a simulated explosive device is a material fact to the operation of an airport security checkpoint because the successful transit of such an object through a TSA security checkpoint would reveal potential weaknesses in the security screening methods employed in United States airports, and the

level of response that occurs when a suspected explosive device is encountered at an airport security checkpoint. TSA is an agency of the executive branch of the United States government,


Benjamin J. Osterle
Special Agent
Federal Bureau of Investigation

Sworn before me this 12th day of August, 2011.


David K. Duncan
United States Magistrate Judge
District of Arizona